



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 18, 2004

Mr. Robert Sajnicki
93 Washington Heights Road
Washington, New Hampshire 03280

CERTIFIED MAIL (7099 3400 0003 0688 0375)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Non-Conforming Open Burning

Dear Mr. Sajnicki:

On May 6, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by Chief Steve Marshall of the Washington Police Department that an open burning incident had occurred at your property located at 93 Washington Heights Road, Washington, NH (the "Property"). It was reported that non-conforming material including furniture, plastic containers, and paint cans had been burned.

On May 7, 2004, DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C and RSA 125-N. Lori Bunnell, your tenant, granted access to the Property. During the inspection, DES personnel observed and photographed a burn pile that contained charred plywood, charred wafer board, charred painted wood, a charred seat from a motor vehicle, burned mattresses, carpet and charred household trash.

On May 18, 2004, a DES inspector spoke with you by telephone regarding the open burning that occurred at your Property. The DES inspector reviewed the rules governing open burning with you. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05(d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.
- Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings, and tree cuttings that are five inches in diameter or less.
- Env-A 1001.03(k) defines "untreated wood" as any timber, board, or sawn dimensional lumber, which has not been treated, coated, or preserved.
- RSA 125-N:4 and Env-A 1001.06 provide for the absolute prohibition of residential open burning of combustible domestic waste.

Since the burning of non-conforming materials has ceased, DES believes that no further actions are required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES web site at <http://www.des.state.nh.us/ard/ardulres/htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,


COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1001, *Open Burning*

cc: G. Hamel, Legal Unit Administrator
R. Kurowski, EPA Region 1
S. Marshall, Chief, Washington Police Department
G. Eaton, Chairman, Washington Board of Selectmen
M. Guilfoy, NHDES-WMD
AFS #3301997777